

**MANDATE**

USDC/MA

Ponsor, M.

**United States Court of Appeals  
For the First Circuit**

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No. 06-1521

MICHAEL GARNER,

Petitioner, Appellant,

v.

MICHAEL A. THOMPSON, SUPERINTENDENT,  
MCI SHIRLEY,

Respondent, Appellee.

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BeforeBoudin, Chief Judge,  
Torruella and Howard, Circuit Judges.

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JUDGMENT

Entered: June 20, 2006

Appellant, Michael Garner, applies for a certificate of appealability ("COA") after the United States District Court for the District of Massachusetts denied his petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 and denied him a COA.

Having carefully reviewed appellant's claims, we **DENY** the application for the reasons stated in the district court's March 17, 2006 memorandum and order denying appellant's motion for a COA and its February 23, 2006 memorandum and order denying his petition for writ of habeas corpus.

The appeal is TERMINATED.

**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

**Richard Cushing Donovan, Clerk**

George Metz  
**Deputy Clerk**

**Date:** 7/11/06

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER  
Chief Deputy Clerk.

[Cert. cc: Hon. Michael A. Ponsor and Sarah A. Thornton, Clerk,  
U.S.D.C. of Massachusetts, cc: Messrs: Turner, Katz and Lieber]